

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT DALTON RUSH,
Petitioner,

No C 09-02266 CRB (PR)
ORDER OF DISMISSAL

v.

BEN CURRY,
Respondent(s).

This habeas action by a prisoner was filed on May 21, 2009. The court notified petitioner in writing at that time that the action was deficient because petitioner did not pay the requisite \$ 5.00 filing fee or, instead, submit a signed and completed court-approved in forma pauperis application, including a completed certificate of funds in the prisoner's account and a copy of the prisoner's trust account statement for the last six months. See 28 U.S.C. § 1915(a)(2). Petitioner was advised that failure to file the requested items within 30 days would result in dismissal of the action.

More than 40 days have elapsed; however, petitioner has not provided the court with the requisite items, or sought an extension of time to do so. The action is DISMISSED without prejudice.

The clerk shall close the file and terminate all pending motions as moot.

SO ORDERED.

Dated: July 8, 2009



CHARLES R. BREYER
United States District Judge

United States District Court
For the Northern District of California

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